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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,918	12/22/2000	Gopal Parupudi	MS1-695US	2766

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EXAMINER

NGUYEN, DUC M

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/746,918Applicant(s)
Parupudi et alExaminer
Duc NguyenArt Unit
2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 & 4 6) ☐ Other:

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DETAILED ACTION

Information Disclosure Statement

1. The references listed in the information disclosure statements submitted on 6/15/01 and 5/10/02 have been considered by the examiner (see attached PTO-1449).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-2, 5-6, 8-9, 11-12, 14-18, 21-27, 36, 38, 40-42, 44, 46-50 are rejected under 35 U.S.C. 102(e) as being anticipated by **Kuwahara et al** (US Patent Number 6,389,288).

Regarding claim 1, **Kuwahara** discloses a mobile terminal (cellular phone) capable of executing location-related services such as phone settings, call settings (Figs. 1-4, 12-13, 21-23, col. 7, line 6 - col. 32, line 21), which would include all the claimed limitations, wherein the

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receiving on “reported location information” would read on the “current context” as claimed, the “setting of incoming calls alert method or screening” as shown in Fig. 13 would read on “modifying at least one behavior of the cellular phone responsive to the context”.

Regarding claims **2, 5-6, 8-9, 11-12, 14-18, 21-27, 36, 38, 40-42, 44, 46-50**, they are rejected for the same reason as set forth in claim **1** above. In addition, **Kuwahara** discloses

- multiple different context providers (see col. 8, lines 1-15);
- sound or vibration would read on “ringer mode on/off” (see Figs. 13, 21);
- computer-readable media (see control unit 403 in Fig. 4);
- change behavior when no longer at the current location (see steps S43, S44 in Fig. 25);
- location type with attributes defining a behavior (see area names and zones in Figs. 12-13, 21);
- call forwarding behavior (see setting of call destination, col. 9, lines 3-5);
- hierarchical tree structures for locations (see Figs. 12-13, 21, 23, 25, 27);

4. Claims **3, 20** are rejected under 35 U.S.C. 102(a) as being anticipated by **Finke-Anlauff** (US Patent Number **5,479,476**).

Regarding claim **3**, **Finke-Anlauff** discloses a cellular phone capable of executing various setting based on environment condition which would include all the claimed limitations (see Figs. 1-3, col. 2, line 40 - col. 6, line 10), wherein the receiving on “ambient conditions” such as indoor, outdoor would read on the “current context” as claimed, the “setting of sound,

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ringing, or call transfer” as shown in Fig. 3 would read on “modifying at least one behavior of the cellular phone responsive to the context”, “personal” setting would read on “information pertains to a user” (see col. 6, lines 8-10).

Regarding claim 20, it is rejected for the same reason as set forth in claim 3 above. In addition, **Finke-Anlauff** discloses the processor is configured to adjust a ringer pitch (see Fig. 3).

5. Claims 7, 13, 19, 28-33, 37, 43, 45 are rejected under 35 U.S.C. 102(e) as being anticipated by **Sawada** (US Patent Number 6,421,544).

Regarding claim 7, **Sawada** discloses a cellular phone (PHS) that wirelessly receives a control signal (read on information that pertains to a context) which can change the operating of the phone to a sleep mode in a use inhibit area which would include all the claimed limitations (see col. 3, line 63 - col. 4, line 49, and col. 8, lines 17-21), wherein the “sleep mode #1” would read on the “behavior pertain to whether the phone is on or off” (also see col. 5, lines 1-9).

Regarding claims 13, 19, 28-33, 37, 43, 45, they are rejected for the same reason as set forth in claim 7 above. In addition, **Sawada** discloses

- “operation modes” which would read on “cellular phone setting information” (see col. 7, line 51 - col. 8, line 22);
- “inhibit” areas such as theater or train would read on “class type of a location”;

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- a “control signal” specifying an operation mode would read on “permits phones to automatically modify their behavior”;
- the “doorway base station” would read on “providing/placing one or more transmitters” at a location as claimed;
- “inhibit incoming call notification” would read on “behavior pertaining to a ringer”;

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable by **Finke-Anlauff** in view of **Davidson et al** (US Patent Number **5,774,540**).

Regarding claim 4, **Finke-Anlauff** discloses all the claimed limitations, see claim 3 above, except for clearly disclosing a hierarchical traversable tree structures on the phone. However, **Davidson** disclose a hierarchical traversable menu (see Abstract, Figs 4-8). Since **Finke-Anlauff** discloses a scroll able menu options (see col. 4, lines 37-49), it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above

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teaching of **Davidson** to **Finke-Anlauff** for using a hierarchical traversable tree structures for the menu as well, for navigating the menu in a quick and effective way.

8. Claims **10, 20, 39** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Kuwahara** in view of **Finke-Anlauff**.

Regarding claims **10, 20, 39, Kuwahara** discloses all the claimed limitations, see claim 1 above, except for clearly disclosing the pitch of a ringer. However, **Finke-Anlauff** discloses phone settings for different locations wherein the pitches of a ringer are set according to locations (see Fig. 3). Since **Kuwahara** discloses different phone settings at different locations, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of **Finke-Anlauff** to **Kuwahara** for setting the pitches of a ringer at different locations as well, for audibly alerting a user of an incoming call at the best performance for each environment within which it is placed.

9. Claims **34-35** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Sawada** in view of **Finke-Anlauff**.

Regarding claim **34, Sawada** discloses all the claimed limitations, see claims **7, 31** above, except for disclosing the pitch of a ringer. However, **Finke-Anlauff** discloses phone settings at different locations for a mobile phone wherein the pitches of a ringer are set according to locations (see Fig. 3). Since **Sawada** discloses different phone settings (operation modes) at

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different locations (public or private places), it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of **Finke-Anlauff** to **Sawada** for setting the pitches of a ringer at different locations as well, for audio alerting a user of an incoming call at the best performance for each environment within which it is placed.

Regarding claim 35, **Sawada** discloses all the claimed limitations, see claims 7, 31 above, except for disclosing a call forward. However, **Finke-Anlauff** discloses phone settings at different locations for a mobile phone wherein a call forward is activated when it is located at a public place (conference or theater, see Fig. 3). Since **Sawada** discloses different phone settings (operation modes) at different locations (public or private places), it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of **Finke-Anlauff** to **Sawada** for forwarding incoming calls when in an inhibit (public) area as well, so that a user would not miss any important calls.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- **Alperovich et al** (US Patent Number 6,233,448), System, method and apparatus for automatic feature activation/deactivation based on positioning.

- **Vantila et al** (US Patent Number 5,794,142), Mobile terminal having network services activation through the use of point-to-point short message service.

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- **Croft et al** (US Patent Number 6,078,826), Mobile telephone power savings method and apparatus responsive to mobile telephone locations.

- **Neustein** (US Patent Number 5,224,150), Paging system.

11. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry)

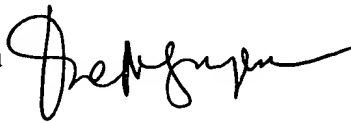
(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or communications from the examiner should be directed to Duc M. Nguyen whose telephone number is (703) 306-4531, Monday-Thursday (9:00 AM - 5:00 PM). Or to Vivian Chin (Supervisor) whose telephone number is (703) 308-6739.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Duc M. Nguyen



Oct 30, 2002